

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UNITED STATES OF AMERICA,	§	
	§	
Plaintiff,	§	
	§	
v.	§	CRIMINAL ACTION NO. H-03-221-11
	§	
TYRONE MAPLETOFT WILLIAMS,	§	
	§	
Defendant.	§	

ORDER

The defendant, Tyrone Mapletoft Williams, was convicted on 39 counts of a 58-count indictment charging him with crimes involving smuggling and transporting illegal aliens. Nineteen of those aliens died. Twenty counts carried a possible death sentence. To consider a death sentence, the jury had to find that Williams’s actions constituted an “act of violence.” The jury found that Williams qualified for a death sentence, but returned a sentence of life imprisonment without the possibility of parole on 19 of the capital counts. Williams’s lead counsel at trial was Craig Washington, Esq.

On January 16, 2009, while Williams’s appeal was pending, Washington filed a motion to withdraw as Williams’s counsel. On May 11, 2009, the Fifth Circuit granted Washington’s motion and appointed Seth Kretzer to represent Williams. Kretzer pursued Williams’s appeal and succeeded in obtaining a mandate, dated August 2, 2010, for resentencing on the 19 capital counts for which Williams received life sentences. The Fifth Circuit found that the jury instruction defining “act of violence” did not sufficiently

emphasize the “violence” portion of the statutory phrase, found the evidence insufficient to support a finding that Williams committed an “act of violence,” and remanded the case for resentencing on those 19 counts. *See Williams v. United States*, 610 F.3d 271, 285-91 (5th Cir. 2010). Consistent with the Fifth Circuit’s order, this court appointed Kretzer to represent Williams in the resentencing.

On October 7, 2010, Washington filed a notice of appearance, identifying himself as Williams’s retained counsel. Through a series of motions, this court determined that Williams wished to retain Washington and that Washington is willing to represent Williams as retained counsel. On November 23, 2010, Washington was named counsel of record.

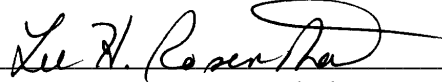
On November 24, 2010, Washington filed a motion for a continuance, claiming that he did not have adequate time to prepare for the sentencing hearing scheduled for December 1, 2010. Washington stated that he did not receive the original presentence report or the first addendum to that report. The record, however, shows that both the presentence report and first addendum were prepared in connection with Williams’s original sentencing, during which Washington served as counsel. On remand, Williams’s prior counsel of record filed objections to the presentence report and all addenda on October 24, 2010. Nonetheless, in the interest of ensuring that Washington has a full opportunity to review the presentence report and addenda, to file any additional objections, and to review any filings the government may make, this court will grant the motion and provide additional time.

Williams’s Motion for Continuance (Document 2141) is granted.

Williams may file new or amended objections to the presentence report and addenda by December 17, 2010. The sentencing hearing is reset to **January 14, 2011, at 9:00 a.m.**

in courtroom 11-B.

SIGNED on November 30, 2010, at Houston, Texas.

A handwritten signature in black ink, appearing to read "Lee H. Rosenthal", is written over a horizontal line.

Lee H. Rosenthal
United States District Judge